

Lindell Drop Forge Company and its Trustee in Bankruptcy, Jackson Rachman and Local Lodge DS-60, District Lodge 117, International Association of Machinists and Aerospace Workers, AFL-CIO. Case 7-CA-29942

December 10, 1991

**SUPPLEMENTAL DECISION AND
ORDER**

BY MEMBERS DEVANEY, OVIATT, AND
RAUDABAUGH

On March 19, 1991, the National Labor Relations Board ordered¹ Lindell Drop Forge Company and its Trustee in Bankruptcy, Jackson Rachman (the Respondent), inter alia, to remit to unit employees certain insurance benefit expenses and vacation payments as required under the 1989-1992 collective-bargaining agreement with the Union.

On June 27, 1991, the Regional Director for Region 7 issued a compliance specification and notice of hearing, alleging the amounts of money due and notifying the Respondent that it should file a timely answer. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.²

On September 9, 1991, the General Counsel filed with the Board a Motion for Default Summary Judgment, with exhibits attached. On September 11, 1991, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the General Counsel's motion should not be granted. The Respondent did not file a response. The allegations in the motion are therefore undisputed.

¹ 302 NLRB No. 14.

² On June 28, 1991, an attorney for the Trustee in Bankruptcy sent a letter to the Regional Director requesting clarification on the amount of backpay due as he had received conflicting figures between the proof of claim filed by the General Counsel and the compliance specification. The letter raises no objection to any of the pleadings contained in the compliance specification and does not constitute an answer to the backpay specification.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

On the entire record, the Board makes the following

**Ruling on Motion for Default Summary
Judgment**

Section 102.56 of the Board's Rules and Regulations provides that if an answer is not filed within 21 days from the date of service of the compliance specification, the Board may find the allegations of the specification to be true and enter an appropriate order. The compliance specification states that the Respondent shall file an answer within 21 days and that if the answer fails to deny the specification's allegations in the manner required under the Board's Rules and Regulations, and the failure to do so is not adequately explained, the allegations shall be deemed to be true. Further, the undisputed allegations of the Motion for Default Summary Judgment disclose that the General Counsel, by letter dated August 20, 1991, notified the Respondent that if an answer was not filed by August 28, 1991, a Motion for Default Summary Judgment would be filed.

In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and we grant the General Counsel's Motion for Default Summary Judgment.

ORDER

The National Labor Relations Board orders that the Respondent, Lindell Drop Forge Company, and its Trustee in Bankruptcy, Jackson Rachman, Lansing, Michigan, its officers, agents, successors, and assigns, shall remit to unit employees the insurance benefit payments and vacation payments as set forth in the compliance specification.